

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD DIVISION**

**THE CITY OF HUNTINGTON,**

**Plaintiff,**

v.

**Case No: 3:17-cv-01362**

**AMERISOURCEBERGEN DRUG  
CORPORATION, CARDINAL HEALTH INC, and  
MCKESSON CORPORATION,  
GREGORY DONALD CHANEY, M.D.,**

**Defendants.**

**PLAINTIFF'S MOTION TO DISMISS PURSUANT TO RULE 41(A)(2)  
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Comes now the Plaintiff, The City of Huntington, by and though counsel, pursuant to Rule 41(a)(2) of the *Federal Rules of Civil Procedure*, and hereby moves this honorable Court for an Order dismissing, **without prejudice**, all claims in this civil action as to all defendants; Amerisourcebergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation and Gregory Donald Chaney, M.D., with all costs taxed to the party incurring same. Plaintiff has not previously dismissed this action against the present defendants; therefore costs should not be assessed against the Plaintiff pursuant to Rule 41 (d)(1) of the *Federal Rules of Civil Procedure*.

Respectfully submitted,  
**THE CITY OF HUNTINGTON,**  
By Counsel,

s/Charles R. "Rusty" Webb

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**CERTIFICATE OF SERVICE**

I, Charles R. Webb, counsel for Plaintiff, the City of Huntington, do hereby certify service that on July 20, 2017, I served the forgoing **PLAINTIFF'S MOTION TO DISMISS UNDER RULE 41(A)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE** upon the parties hereto by filing a true copy thereof *via* ECF to the following counsel of record:

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